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DATE 21 APR 2004

COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION

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APR 22 2004

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF :

THE JOINT APPLICATION OF ORCHARD )  
GRASS UTILITIES INC. AND OLDHAM )  
COUNTY SANITATION DISTRICT FOR )  
APPROVAL OF THE TRANSFER OF )  
WASTE WATER TREATMENT FACILITIES )  
PURSUANT TO STOCK PURCHASE )  
AGREEMENT BETWEEN THE PARTIES )

CASE NO.  
2004 - 00029

**REQUEST OF ROBERT L. MADISON FOR RECONSIDERATION OF  
PSC ORDER DATED 14 APR 2004 CONCERNING STRIKING  
PORTIONS OF MADISON REBUTTAL AND ENCLOSURES**

IN ACCORDANCE WITH KRS 278.400, THIS IS A PETITION FOR RECONSIDERATION OF ROBERT L. MADISON CONCERNING THE ISSUE OF THE PSC STRIKING CERTAIN PORTIONS AND RETAINING CERTAIN PORTIONS OF THE REBUTTAL OF ROBERT L. MADISON DATED 16 MAR 2004 AS DETERMINED BY THE 14 APR 2004 PSC ORDER IN THIS CASE.

THIS IS THE BEGINNING OF THE MOTION FOR RECONSIDERATION.

ROBERT L. MADISON MOVES THE COMMISSION TO NOT STRIKE THE FOLLOWING ENCLOSURES FROM THE RECORD PROVIDED IN THE MADISON REBUTTAL DATED 08 MAR 2004 : 9, 10, 15 & 17.

THIS IS THE END OF THE MOTION FOR RECONSIDERATION.

THE PSC DETERMINED THAT ENCLOSURES 10, 15 & 17 WERE IRRELEVANT AND THEREFORE ORDERED THEM STRICKEN FROM THE RECORD. ENCLOSURE 9 WAS BOTH STRICKEN AND DETERMINED TO BE RELEVANT AT THE SAME TIME. IN SUPPORT OF THE RELEVANCY OF THE SAID ENCLOSURES, I STATE THE FOLLOWING :

**ENCLOSURE 9** : THIS IS RELEVANT TO THE ISSUE OF WHETHER OCSD HAS THE FINANCIAL, TECHNICAL AND MANAGERIAL ABILITIES TO PROVIDE REASONABLE SERVICE. THE ENCLOSURE ADDRESSED PROBLEMS AT THE TRAIL'S END SEWAGE PLANT SINCE THE TAKEOVER BY OCSD. IT IS NOT CLEAR WHETHER THE PSC HAS STRICKEN THIS OR NOT IN ITS 14 APR 2004 ORDER.

**ENCLOSURE 10** : THIS IS RELEVANT, AMONG OTHER THINGS, IN THAT IS SHOWS MSD WILL BE INCREASING RATES BY AT LEAST 6.5 % EACH YEAR TO ITS CUSTOMERS FOR THE NEXT DECADE. OCSD PLANS TO SHUT DOWN THE WILLOW CREEK AND ORCHARD GRASS PLANTS AND HAVE THE MSD HITE CREEK PLANT PROVIDE SERVICE AT THE REGIONAL FACILITY. OCSD IS

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ALREADY ASKING FOR HUGE INCREASES IN COSTS FOR THE WILLOW CREEK AND ORCHARD GRASS CUSTOMERS. MSD WILL CHARGE OCSD A 50% DIFFERENTIAL OVER WHAT THEY CHARGE JEFFERSON COUNTY CUSTOMERS. THIS RELATES TO THE ISSUE OF REASONABLE SERVICE.

**ENCLOSURE 15** : THIS IS A COLOR MAP SHOWING THE PROBABILITY OF DROUGHT IN THE UNITED STATES. IT SHOWS OLDHAM COUNTY TO BE AT HIGH RISK FOR DROUGHT. SINCE OCSD IS PROPOSING TO CHANGE THE RATE FROM A FIXED AMOUNT PER MONTH TO A VARIABLE ONE BASED ON WATER CONSUMPTION, WATERING VEGETATION DURING DROUGHT CONDITIONS WOULD RESULT IN HIGHER SEWAGE COSTS FOR WATER NOT BEING TREATED BY SEWAGE TREATMENT FACILITIES. I HAVE MADE RECOMMENDATIONS IN MY PRE FILED TESTIMONY AND WILL ADDRESS THIS ISSUE IN MY POST HEARING BRIEF. THIS RELATES TO THE ISSUE OF REASONABLE SERVICE.

**ENCLOSURE 17** : THIS DOCUMENTS THE MISUSE OF DRAINAGE FEES BY THE CITY OF LOUISVILLE AND MSD. RICK RASH HAS TOLD ME OCSD WILL IMPLEMENT A DRAINAGE FEE AT SOMETIME IN THE FUTURE. THIS WILL RAISE THE COSTS OF SEWAGE COSTS EVEN HIGHER. IT IS UNREASONABLE FOR THE GOVERNMENT TO ADD A FEE ON TO A UTILITY BILL AND TO THEN USE THE FEE FOR GENERAL GOVERNMENT REVENUE AND NOT DRAINAGE ACTIVITIES. I HAVE MADE RECOMMENDATIONS ON THIS ISSUE IN MY PRE FILED TESTIMONY AND WILL ADDRESS IT IN MY POST HEARING BRIEF. THIS RELATES TO THE ISSUE OF REASONABLE SERVICE.

I CERTIFY THAT ON 21 APR 2004, COPIES OF THIS REQUEST FOR RECONSIDERATION WAS MAILED REGULAR MAIL TO ALL PARTIES OF RECORD :

SINCERELY,



ROBERT L. MADISON  
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